

FILED 07 AUG 24 16:01 USDC-ORM

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JEAN HOUSTON,	)	
	)	Civ. No. 05-3092-CL
Plaintiff,	)	
	)	
v.	)	
	)	
SHERATION CENTRO,	)	<b>ORDER</b>
	)	
Defendant.	)	
_____	)	

**PANNER, District Judge:**

Magistrate Judge Mark Clarke has filed a Report and Recommendation. The matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Report and Recommendation, the district court must make a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

I have, therefore, given this case de novo review. I agree with the Report and Recommendation that the tolling provision of Or. Rev. Stat. § 12.150 does not apply to non-residents such as

defendant here. See Butterfield v. Abou-Shaaban, Civ. No. 05-639-BR, 2006 WL 2987713, at \*3-4 (Oct. 16, 2006). I find no error, so I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#65) is adopted. Defendant's motion for summary judgment (#49) is granted.

IT IS SO ORDERED.

DATED this 24 day of August, 2007.

A handwritten signature in black ink, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE